

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Egbert Classen et al.
Application Number: 10/564,433
Filing Date: 01/10/2006
Group Art Unit: 1711
Examiner: Frankie L. Stinson
Title: DISHWASHER COMPRISING A HEAT TUBE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

This is a reply to the Examiner's Answer mailed July 08, 2010.

In the "Response to Argument" section in the Examiner's Answer, the Examiner refers to the description in the Moratalla patent providing that a heat exchanger 185 could be any of various types "such as heat pipes, plate-to-plate, rotary heat exchanges, and the like." The heat exchanger 185 disclosed in Moratalla, however, is not defined by a heat tube having a pair of ends as defined according to the claimed invention. Rather, with reference to Fig. 3 in Moratalla, the heat exchanger 185 includes a pre-cooling section 190 where the air 180 is pre-cooled as an air or gas stream 195. Subsequently, the flow is pushed through a condenser 200, which according to Moratalla is another heat exchanger, that provides for cooling of the air. The Moratalla system also includes an external fluid cooler device 205 having working fluid being transmitted by a pump 210 in a closed loop between the heat exchanger 200 and the fluid cooler 205, where cooled fluid is transmitted by pipe 220 and returned to the cooler device 205 by a warm pipe 225. Moratalla further describes that the pre-cooled air or gas 195 when crossing the heat exchanger 200 condenses the humidity content 230. The condensed

fluid is recollected as a liquid in a drain pan 235 and drained in liquid state 145 out of the closed loop regeneration path 170 through a drain tube 240. As referenced in the Appeal Brief, no part of this structure amounts to a simple heat tube including one end extending into a cold side portion of a conduit system and the other end extending into a hot side portion of the conduit system.

The Examiner's Answer for the first time recognizes that Moratalla "does not actually disclose the ends of the heat pipe being respectively into a cold side portion and a hot side portion of a conduit system." See the sentence bridging pages 9 and 10 of the Examiner's Answer. By this comment, Appellants submit that the rejection is misplaced by the Examiner's own admission. The *imagined* or *interpreted* characterization of the Moratalla structure at best amounts to conjecture, which is premised only on Appellants' own disclosure. Indeed, as noted in the Appeal Brief, the simplified heat tube of the claimed invention is advantageous over the structure of the cited references.

For at least these reasons and those discussed in the Appeal Brief, Appellants request reversal of the rejections and allowance of the subject application.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies
Registration No. 62,246
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BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com